

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOEL CROOKSTON,

Plaintiff,

v

JOCELYN BENSON, Michigan Secretary of
State, in her official capacity,

Defendant.

No. 1:16-cv-01109

HON. JANET T. NEFF

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JOINT NOTICE OF SETTLEMENT

The parties in this case, Plaintiff Joel Crookston and Defendant Secretary of State Jocelyn Benson, advise this Court that they have reached a mutually agreeable settlement in this case. The parties state in support:

1. The complaint in this case was filed on September 9, 2016 challenging two statutes, MCL 168.738 and MCL 169.579, and two Secretary of State

- instructions related to photography in the polling place on First Amendment and equal-protection grounds. (Compl., R. 1, PageID.1-14.)
2. This Court granted Plaintiff's motion for a preliminary injunction (Op. & Order, R. 19, PageID.284) and denied Defendant's emergency motion for stay pending emergency appeal. (Order denying stay, R. 25, PageID.313-315.)
 3. The Sixth Circuit granted a stay (6th Cir. Stay Order, R. 26, PageID.316-329) and reversed the district court's grant of Plaintiff's motion for a preliminary injunction (6th Cir. Order, R. 30, PageID.333-336.)
 4. The parties have completed discovery pursuant to this Court's scheduling order. (Scheduling Order, R. 32, PageID.358-364.)
 5. On October 11, 2017, Plaintiff filed an amended/corrected complaint, adding, among other things, a due-process claim. (First Am. Compl., R. 65, PageID.685-704.)
 6. Pursuant to this Court's briefing schedule (Pre-Mot. Conference Order, R. 78, PageID.815-816), Defendant Secretary of State Johnson filed her proof of service for her motion for summary judgment on December 14, 2019 (R. 86, PageID.981) and Plaintiff filed his proof of service for his response to Defendant's motion for summary judgment on January 22, 2019. (R. 88, PageID.983.)
 7. Following a joint motion to hold the case in abeyance (Mot. R. 92, PageID.990-993), Defendant requested to hold briefing in abeyance

- (Defendant's reply brief was to be filed by April 12, 2019, followed by Plaintiff's surreply). (Scheduling Order, R. 94), PageID.996.)
8. The parties have reached a mutually agreeable settlement in this case.
 9. The parties intend to file a stipulated motion to dismiss the claims in this case on May 8, 2019. The May 8, 2019 date is the day after the May 7, 2019 election in Michigan, and that date was selected in order to avoid any confusion as to procedures applicable to the May election.
 10. Due to the settlement agreement, Defendant Benson does not intend to file a reply and Plaintiff does not intend to file a surreply.

WHEREFORE, the parties notify this Court of their settlement agreement pursuant to this Court's February 8, 2019 Order. (Order, R. 94, Page ID.996.)

Respectfully submitted,

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s/Ann M. Sherman

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Dated: April 5, 2019

s/Stephen R. Klein

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Dated: April 5, 2019

CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2019, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing of the foregoing document as well as via US Mail to all non-ECF participants.

s/Ann M. Sherman

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